BEN DAVIS

CRUSADER for NEGRO FREEDOM & SOCIALISM

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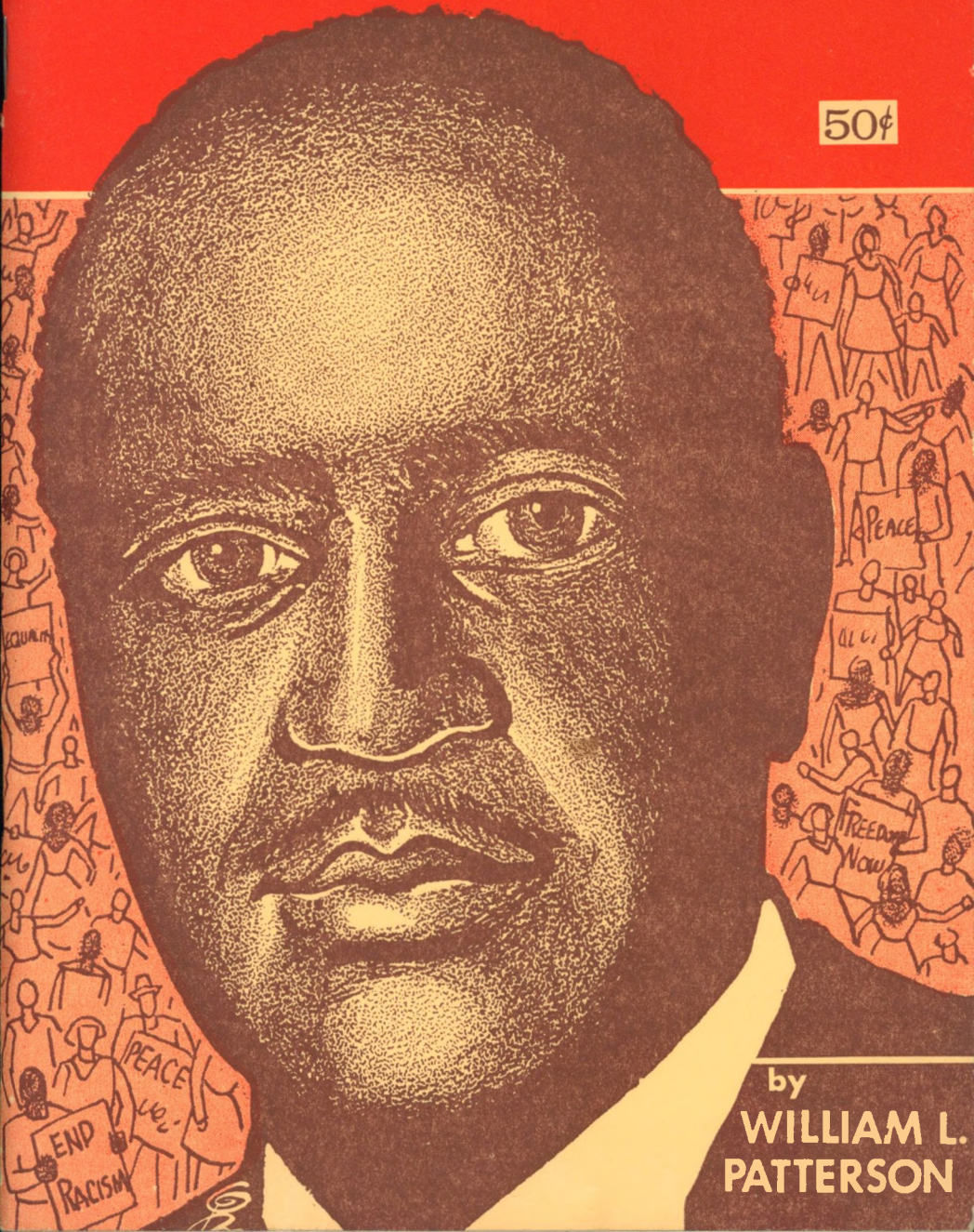

by
WILLIAM L. PATTERSON

BEN DAVIS

Crusader for
Negro Freedom and Socialism

By William L. Patterson

With a chronology and bibliography
of the life and writings of Benjamin J. Davis
prepared by Dr. Oakley C. Johnson

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About The Author

WILLIAM L. PATTERSON, the author of this pamphlet, has achieved world-wide renown for his militant leadership in the fight to preserve constitutional liberties and to win full civil rights for all Americans—and for the Negro people in particular.

He was responsible for the production of the Petition, *We Charge Genocide*: *The Crime of Government Against the Negro People,* and its presentation to the United Nations in Paris in 1951. In the late twenties he was National Executive Secretary of the International Labor Defense which played a leading role in the defense of the nine innocent Scottsboro Boys. In the fifties he occupied the same position in the Civil Rights Congress and led many fierce civil rights battles.

He also led the international struggle to save the life of the martyred Willie McGee of Mississippi and the Martinsville Seven of Virginia, all charged falsely with rape by racists and framed by the highest courts. In the thirties he organized the Marxist Abraham Lincoln School, in Chicago. He was twice tried for contempt of Congress for his vigorous condemnation of the racist policies of the government of the U.S.A.

He graduated from Hastings Law College of the University of California and for a period practiced law in New York City. He is presently chairman of the National Negro Commisison of the Communist Party, U.S.A.

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BENJAMIN J. DAVIS

1903-1964

TO NINA AND EMILY

BELOVED WIFE AND DAUGHTER OF

BEN DAVIS

BEN DAVIS

Crusader for Negro Freedom and Socialism

By William L. Patterson

Preface

In the account book I keep of great Americans, Benjamin Jefferson Davis, Jr.'s name stands among the foremost.

Physically he was a big man, brown in color with dark brown hair, more than six feet tall, weighing more than two hundred pounds; he was spiritually also a big man.

When, in the early '40's, Ben was elected Councilman of the City of New York, leading personalities of the stage, concert hall and radio celebrated his victory. Among those sponsoring the reception were Paul Robeson, one of our country's foremost concert singers and actors, an outstanding and world-renowned humanist as well as a great artist; Ferdi Washington, that beautiful and gifted actress; Teddy Wilson, pianist; Ella Fitzgerald and Billy Holiday, singers; and a host of others.

For these Americans Ben Davis rated great. His life had an electrifying impact on theirs, and fearlessly they paused to do him honor.

When in 1964 he died in Beth Israel Hospital in New York City, condolences came from every quarter of the world.

Benjamin J. Davis was acknowledged by men and women of every nation to be among the world's great freedom fighters. The American Hall of Fame should have been created to preserve the image of such Americans. Yet he has not found a niche there. Nor, in my opinion, will his name find a place there so long as American imperialists maintain their power to desecrate that shrine with portraits of *their* heroes.

The situation is not unique. Greatness is relative. They are polit-

ically naive who expect that those Americans now in power will place a laurel wreath upon the brow of one who relentlessly exposed and fought their dehumanizing domestic and foreign policies. Ben Davis was an indefatigable foe of that system which produces millions of poverty-stricken people, millions of unemployed, of homeless, wandering, uneducated and jobless youth, and a Negro citizenry reduced almost to the level of untouchables.

Ben Davis neither "deplored" nor debated the Establishment's concepts of race and its fantasies of color superiority. He reacted as he believed honest, self-respecting social scientists should. He sought desperately to awaken the people to the nature of this hell produced by racist madness. He *fought* those racist lies and liars. He called for a new social *order,* free of both racism and capitalism.

Ben would not be silent nor could be silenced. He could not be bought. He was a fierce and ceaseless fighter for the rights usurped from the American people generally and black Americans in particular.

It is only when the American people, white and black together, come to power as they inevitably must, that a bust of Benjamin J. Davis, Jr. will with fitting ceremony be placed in the American Hall of Fame.

That bust might well occupy the spot now held by that of General Robert E. Lee. The choice of Lee for the Hall of Fame was and remains an insult to the nation. It is especially humiliating to the sons and daughters of those heroic black Americans who, under Ulysses Simpson Grant, fought Lee to the death that the nation should not remain half slave.

Ben saw his people frustrated and desperately hungry for equality of rights and opportunities. Arbitrarily and with force and violence these attributes of citizenship had for a century been denied them. His experiences brought him to indict American imperialism as his people's enemy, and as well the enemy of all mankind.

When Ben Davis died, the *New York Times* in its obituary paid him a high compliment. It termed him "fiercely partisan in his ardent defense of the pioneer path which the Soviet Union had hacked out of the wilderness of capitalism."

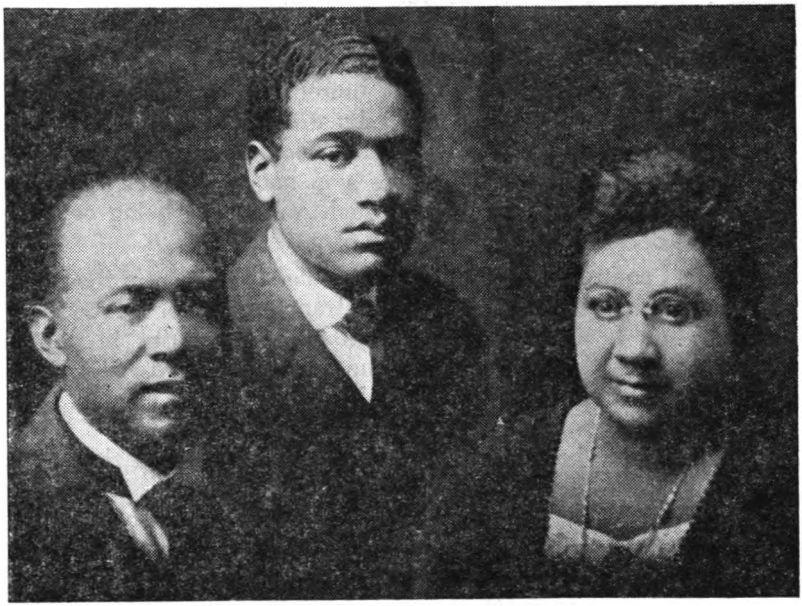
That is the most valuable lesson of all from the life of Benjamin J. Davis. It symbolizes the very essence of the ideals and the ideas for which he lived and died.

The Era of Ben's Birth

Benjamin J. Davis, Jr., was the first child born to the marriage of Benjamin J. Davis, Republican National Committeeman for the State of Georgia, and his beautiful young wife James (Willa) Davis, nee Porter, whom "Big" Ben usually called "Jimmie." A daughter Johnnie (now Mrs. Richard Carey) was to follow a few years later. Ben was born in Dawson, Georgia, September 8, 1903.

A quarter of a century before his birth the Hayes-Tilden Compromise of 1876 had sacrificed the few remaining Civil War gains to political expediency, and had set the hard conditions he was to know all his life. That Compromise virtually re-established slavocrat political power and paved the way for the jimcrow pattern in which young Ben began his life.

The turn of the century recorded some of the most important moments in the history of the country. American industry was growing in wealth and might. It was entering the era of imperialism. Money-mad industrialists had two prime objectives: their own economic advancement and control of government. These aims were



Young Ben Davis and his Parents

to be realized by any and every means. Seizure of the country's seemingly inexhaustible resources was the course most easy and most logical. These were stolen from the people.

Millions of acres of land were handed out to the savagely competing railroad magnates by state assemblies they had bought and paid for. The iron ore ranges were being gobbled up, steel mills were sprouting in Birmingham, Alabama, in Pittsburgh, Pennsylvania, and in the Calumet area of Indiana and Illinois. The demand for cotton was growing. Textile mills were springing up. Negroes were given a place in this phase of the nation's growth, but only as labor power for the heavy work. A place was fixed for them at the lowest rung of the social ladder.

The post-Civil War Reconstruction program had been scrapped. Northern industrialists, secure in power, saw no need to fulfill the political promises made to the Negro freedman and the poor white and formalized in the 14th and 15th Amendments to the Constitution. Instead, with their encouragement—indeed, at their insistence —a flood of racist filth was loosed in the old slave states and spread throughout the country. The Negro was now needed in the cotton fields, coal mines, steel mills, but not as an equal citizen with the rights and privileges of citizenship.

The Reconstruction era had revealed the power of the poor white and the poorer Negro when united in struggle for political representation, job security and education. If Negro and white were permitted to organize together on equal terms in the industrial field, that unity could become a menace to capitalist profits. Capitalism determined to prevent such unity ever being consummated. Its decision became a policy of government.

Political control of the South was ruthlessly torn from the hands of the freedmen and the recently enfranchised poor whites, who together had been carrying out fundamental reforms in politics and education. It was returned to the former landlords who began an era of racist terror that has not been brought to an end. This, in sum, was the political atmosphere of Ben's early life.

Negroes were beginning to flee the South by tens of thousands. Their right to vote had been cut off by the murderous violence of night-riders and legislative decrees. They were forced off the land with no future for themselves or their families. They went North seeking jobs in Northern industry only to be confronted there with brutal discrimination in the quest for jobs and greater discrimination on the jobs they got. The bosses had sold the white superiority

myth to some labor leaders; others had been corrupted and became collaborators of the capitalists. Everything possible was being done to prevent white and Negro workers from recognizing their mutual interests.

Big business sought and found in Booker T. Washington, head of Tuskegee College in Alabama, a Negro spokesman who would plead its cause among the Negro masses.

Dr. W. E. B. DuBois challenged this man whom Andrew Carnegie, William Baldwin, John D. Rockefeller, J. P. Morgan and other big business moguls saw as worthy of their trust. For Booker T.'s plans of submission, for his promises to train meek toilers for the wealthy, these white milionaires provided considerable grants of money. Dr. DuBois opposed what he considered Washington's betrayal of the Civil War gains with his concept of a "Negro Talented Tenth" that would produce the Moses he thought needed by the Negro people.

The Spanish-American War had been waged. Negroes who followed the Booker T. Washington philosophy, and even many of those who had faith in W. E. B. Du Bois, were eager to get into the war. They wanted to prove at once their prowess and their loyalty to the government. Promises of better days ahead emerged from the White House, as they had before.

Negro soldiers did help win the victory that brought the inhuman burden of American colonialism to the Filipino people. Black soldiers returned home to find racism on the upsweep. Some Negro soldiers were lynched in their uniforms, and because they wore them. The war opened few doors to greater opportunities for the Negroes and none to positions of political or social power.

The world was changing rapidly, but in the U.S.A. the more things changed, the more they remained the same for Negro citizens. In fact for Negro citizens generally there was social retrogression. The flight from the South continued.

Ben: The Boy and The Young Man

In the years following the Spanish-American war, when Ben was growing into his teens in his native Georgia, he could not fail to sense that conditions were bad and getting worse. Though he himself was protected in a measure by his family's position, he iden-

tified himself with the masses of his people. He was puzzled by the contradiction betwen the teaching of equality and the almost day to day lynchings. Lynchers were never punished. The victims were outside the pale of the law.

Ben saw in the Negro papers that came to his father's home no comprehensive analysis of the misery and terror. He did not, of course, expect such from the white press. No course of action was being offered that to him seemed to hold an acceptable solution to the problems of the Negro masses and those of the nation.

Ben's father, as Georgia's Republican National Committeeman, was the dispenser of patronage in his state whenever the Republican Party was in control of the national government. But his father's role, as Ben was beginning to see, was about played out. Northern industry could not exploit the South as it desired, should Negroes and poor whites, aligned together, win political power. Northern capitalists were clear on this score. Better for them to keep the status quo, South as well as North. The South was not industrially developed, but high profits could be extracted through the super-exploitation of the Negro people on the land. The end of Ben's father's tenure of office was obviously only a matter of time.

Ben Davis's home was a meeting place for the outstanding Negro politicians of that era. Often he heard men like "Bob" Church, Negro National Committeeman of Tennessee, Perry Howard of Mississippi, and Henry Lincoln Johnson, another outstanding political figure, as they discussed with his father the tremendous problems and struggles of the time. Ben realized that none had an answer to their dilemma. Each trusted in the integrity of the Republican Party. But Ben was beginning to question the honor of that party.

Ben's father failed, naturally, to understand that the Republican Party was *using* him. Like the other Negro politicos, he was an unconscious pawn of reactionary forces.

Young Davis noted the unnatural hatred in the eyes of white politicians—Republican and Democrat—who were forced by circumstances to come to the Davis home seeking patronage. He saw the jealousy in the eyes of his father's Negro colleagues. This situation troubled Ben; he raised political questions with his father. They differed fundamentally. But there was no emotional outburst, no open break. Two eras were clashing. The old was passing. Ben wondered as to the direction of the new.

Ben's father clung to his political illusions, although the Ku Klux Klan had paid him several visits. The old man wanted security for himself and family and above all a place in the sun for his boy, Ben, Jr. He would not permit himself to believe that the political party, the Republican Party—which for him had been "the ship" in a stormy sea—would drop him over the side. The vital social changes taking place were beyond his ken.

Ben, the elder, had not perceived that a new era was dawning. For him, the old had not exhausted its potentialities. Ben, the younger, leaned uncertainly toward the theories of Dr. Du Bois that a "talented tenth" could save the Negro. He could be a part of such a galaxy. He did not think of himself as a "new" Negro, but rather a Negro of a new generation struggling against old forms of racial terror, against a form of state Negroes had helped create —a state in which they paid taxes and for which they must fight and die, but a state they had no part in operating.

Few of Benjamin J. Davis, Sr.'s generation could understand the profound changes. Few Americans regardless of color could see these clearly. The social situation in the United States did not lend itself to the attainment of such vision, which demanded a study of political science and knowledge of how society developed.

Ben's grade and high school years were spent in jimcrow schools. These were the outcome, as already indicated, of the smashing of the Reconstruction in 1876 by a monstrous political conspiracy.

During the Reconstruction era the Negroes and poor whites had set up an equitable system of mixed schools. This system was maintained despite night-riders and Kluxers so long as Reconstruction lasted. With the Compromise of 1876, bulwarked by the Black Codes and the withdrawal from the South of federal troops and protection, jimcrow schools and jimcrowism became an American way of life.

Facts about the Reconstruction were not analyzed in the textbooks. Ben found that the only attempt at serious discussions among students in the schools he attended had to do with the "race question," and emotion dominated those discussions.

Neither was there any history textbook dealing with the Negro's contribution to the building of his country. There was nothing in American history books concerning the criminal nature of the system of slavery, or of the debt that was owed to black Americans

from the rape of their labor power for two centuries.* Historians distorted the image of the Negro. He was painted as a rapist and a buffoon unworthy of respect and devoid of rights, and he was so treated.

In the schoolbooks these lies constituted the justification for jimcrow. Denial of constitutional rights to Negro citizens was based on the alleged inferiority of the Negro people. The economics of the question was hidden.

As for the real reasons for Negro persecution, Ben came out of these schools, so far as formal education was concerned, no wiser than when he went in.

Ben's World Broadens

His father wanted Ben to become a lawyer, preparatory to a political career. When Ben's father talked about the terror during the days of the Atlanta riots and spoke about having gone to the office of his paper, *The Independent*, gun in pocket, he usually ended the conversation by declaring that, with Negro lawyers in the courts, conditions could be different.

Ben pondered over this prophecy, not at all certain of its correctness. But he had at that time no alternative to propose.

Ben's mother had hopes that he would be a great musician, and was strict about his violin lessons. His musical development showed that she was not wrong. He had genuine musical talent, but life was to move him from that sphere.

The *Atlanta Independent*, of which the elder Davis was editor and publisher, was a Negro newspaper with considerable circulation in the South. After school hours and during vacation periods Ben often worked in the office. It was there that his vision broadened and his thinking deepened. But it was not from the editorial content of the paper that he learned the fundamental lessons of life.

Yet the newspaper office was a good school for him. Into the office came Negro papers from every section of the South. They had a certain similarity of content that spoke volumes. They dealt almost exclusively with mob violence and "legal" terror against

*It is an interesting fact that when he was elected to the City Council, Ben Davis corrected this omission by making Negro History Week a part of New York's school curriculum.

the Negro people, and reported the growing hatred of these conditions in the Negro community. But there was no serious editorial analysis of the social forces responsible. The "white red-necked cracker" was generally held responsible for the terror. That was the easiest way to look at the matter—if they wanted to keep out of trouble with the authorities.*

To outward appearances the "red-necked cracker," as the poor white is called by his white overlords, was the guilty party. In most cases of lynch terror that poor white was and still is the tool employed by those in control of affairs. He was and still is the cover behind which the wealthy hid themselves. The real culprit, the criminal who planned the violence and destroyed the Constitution and its legal institutions, kept—and still keeps—well-hidden. When the Negro's case reached the courts it was still easier for the "big" man to conceal himself: he was hidden behind white judge, white jury and white prosecutor.

"It is the Negro's fault," the white press cried when alluding to legal and even extra-legal terror. He had "broken the law." It was never the law that was geared to break the Negro. The racist press saw only the property interests of the white ruling class—never human rights. For the most part it was and remains thoroughly corrupt, without morals or integrity.

The white press headlined crimes allegedly committed by Negroes, and declared the Negro to be inherently possessed of criminal instincts. It "proved" by statistics and through the mouths of some Uncle Toms that the Negro people "enjoyed" the ghetto in which they were forced to live. It desperately tried to prove the Negro a docile being, content with white patronage and guidance. All this despite the great courage and will to struggle exhibited constantly by Negroes throughout the U.S.A.

Ben read both the Negro and the metropolitan press.

He had lived through the Atlanta riots of 1906, though he was too young to remember the details of those tense days when Governor Hoke Smith called for unbridled terror against Negroes. However, Jesse Max Barber, then editor of the *Voice of the Negro*,

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*With serious and social-minded content, it would be suprising if Negro newspapers were able to get advertising from white firms. As a matter of act, Ben's father, like other Negro editors, accepted the notion that the crackers were to blame for most of their ills, not necessarily because they believed it, but because it did, at times, bring some advertising, and thus some revenue.

told how the governor transformed himself into a human moccasin (a poisonous snake common in Georgia) "and for eighteen long months abused the Negro. . . ."

Charles Daniels, editor of *The Atlanta News,* for more than a month resorted to every hellish device to precipitate a race war. He called for the reorganization of the Ku Klux Klan, offered a reward to lynchers and wrote daily fire-eating editorials against the Negro, such as that of September 23, 1906, in which he said: "Vicious blacks are sounding the doom of their race. The wonder is that white men do not begin in earnest a real warfare on the blacks."

Young Davis also learned of this period from his parents, and as he thought of the future he doubted very much that the State of Georgia or the federal government would put an end to this racist incitement to murder. Two score and ten years of terror had already passed, and no definitive remedial action had been taken.

Conditions Mold Ben

There grew in this young black man a deep feeling of compassion and love for those who were the victims of these criminal conditions, and he vowed that as a lawyer he would make a fight to change that way of life.

The gulf between his thinking and that of his father grew too wide to be bridged. Their approach to the future was different. His father could talk of the terror as a passing phase and of his faith in the "Republican Party." Ben could have no such confidence.

Ben noted that every president who had held office since Andrew Johnson had deplored the existence of terror against Negro citizens and not one had used the great powers of his office to put an end to it. In this respect, whether Republican or Democrat, all presidents were the same, for the system dictated their course.

Many years later (1965) the United States Commission on Civil Rights wrote *Law Enforcement,* a report on equal protection in the South, and in dealing with "The Legacy of Violence" it held that:

> "Racial violence against Negroes in the South is *lawlessness with a history and a purpose.* First with explicit and then with implicit legal sanction, violence has been used since the early days of slavery to maintain and reinforce the traditional subservient position of the Negro. *Contemporary problems*

of violence against Negroes should be viewed in the context of this long history." (Emphasis added.)

Long before that was written, Benjamin J. Davis, Jr. had come to the same conclusion.

Ben began his college studies at Morehouse, a Negro college in Atlanta, dominated by Rockefeller funds. While he learned little there about Negro history, or about the source of race hatred and racist terror, it was there that he had an experience which made a deep impact upon his thinking.

The Negro students at Fisk University in Nashville, Tennessee, had opened a students' rights struggle with the school authorities. They were demanding more freedom for student activities and especially the right to discuss current events—the increase in lynching and the failure of the government to protect the rights and dignity of Negro citizens. Repercussions of the Fisk struggles were felt in Morehouse College, and Ben used a column of his father's paper to support the Morehouse students' case, and extended that defense to include the demands being made by the students at Fisk. This incident sharpened the growing differences between him and his father.

These events were forerunners of today's splendid student civil rights movement, which now covers the nation, embracing white as well as Negro youth.

It was about this time (while he was in his first year at Morehouse) that another event which was also to prepare him for future battles occurred. Ben entered an Atlanta streetcar. The seats reserved for Negroes were filled. There were, however, vacant seats in the white section. Ben insisted on the right to the seat for which he had paid. It was for him neither a white seat nor a black seat, but a *seat*. He had paid for it and he wanted it.

Ben's position had justice and human dignity to support it, but it lacked *law*. The city ordinance jimcrowed the transportation system. Negroes, apparently, were people of a "lesser breed."

The conductor sought to evict Ben from the car. Unable to do so alone he called the police. They would not listen to Ben's story. He was arrested and jailed, and the Court automatically applied a fifty dollar fine which his alarmed father paid.

One phase of the incident remained fixed in Ben's mind. The white passengers, for the most part, had not reacted with hostility. They were workers who lived adjacent to the ghetto.

Ben Goes North

These events increased Ben's father's desire to get his militant son out of this atmosphere to which he was reacting so vigorously. Ben had completed only one year at Morehouse College when he was shipped North to Amherst College in Massachusetts.

Ben's father hoped that two things would happen. The first was that Ben would be impressed with the power of law to correct the injustices which were strangling him. The second was that young Ben would make contact with men at Amherst and Harvard who would become powerful figures in American life and who would be helpful in the development of his son's career.

There was nothing unique in the attitude assumed by Ben Davis, Sr. It reflected the Deep South conditioning he had undergone. The Reconstruction and early post-Reconstruction era was one in which leading Republican politicians and businessmen would select *their* Negro. That Negro was supposed to keep them apprised of the mood of the Negro masses. Such Negroes were the ears, eyes and mouthpice of the "Big Man." Their reward was a petty job here or there and perhaps a measure of physical security if the danger of a lynching arose.

But it was not patronage that Ben wanted. He was ready to fight for a place in the sun. It was, however, a spot where the warming rays would benefit all the millions of his and other peoples. As for law and what it represents under "our" system, Ben was to learn these things from bitter experience.

Perhaps Dr. William E. B. DuBois described young Ben best. DuBois was teaching in Atlanta during the formative period of Ben's life and became acquainted with his activities at Morehouse College. He analyzed the youth he saw. Of Ben, DuBois later said:

> "He could have become, as so many young men who have had his advantages do become, an easygoing young man who did little work and had little serious thought; who lived his life largely on what his father had accumulated. But this young Davis did not do. *He became a worker and a thinker. He was unusually sincere. He never thought of his own advantage as apart from that of his own people and of the working class."* (*Masses and Mainstream,* February, 1954. Emphasis added.)

DuBois had outgrown his theory of a "Talented Tenth." He saw

Davis as a leader, as a "worker and a thinker," as one who had found in the philosophy of the working class what he believed was a key to unlock the door leading to the freedom of his own people and all mankind.

Ben's conduct confirmed the correctness of the appraisal Dr. DuBois made.

Ben's initial social experience at Amherst verified some of the conclusions he had drawn from life in Atlanta and at Morehouse College.

By the time he arrived at Amherst he had become a good musician. But he was blackballed by the members of a campus music club. This experience with Jim Crow in the halls of learning brought new lessons. These were not "hill billies" nor "red necks" who sought thus to insult him.

However, the head of the Music Department later selected him as concert-master for a joint Amherst-Holyoke symphony orchestra, and he was invited to sing in the college Glee Club. But the lesson he learned was that racism was spreading North from the southern plantations and towns.

In 1924 he secured his Bachelor of Arts degree from Amherst and moved on to Harvard Law School. In 1930 at the age of 27 Ben received his law degree from Harvard. He had trained under men regarded as the most outstanding law instructors in the country. Law, he was taught in college, stood above classes and ignored creed and color. It was supposedly the impartial arbiter in the disputes between high and low, labor and capital, the foreign-born and native-born, the black and the white.

Ben Comes Home to Reality

Law enactment was presented by Ben's law professors with the same lack of realism. Lawmaking, he was told, was the province of the people acting through the legislative branch of government. Men and women whom the people elected passed laws the people needed, laws consistent with the people's demands. Ben listened. The thought did not then come to him that this lofty description of the role of law could not be applied in the South. He did not clearly see yet the return of law to him and the poor whites.

In 1930 he was on his own, a graduate of the Harvard College of Law, the ranking law school of the U.S.A. He returned to Atlanta,

Georgia. He passed the Georgia Bar examination and hung out his shingle.

"Benjamin J. Davis, Attorney-at-Law." It was a proud moment. He was ready to apply the law he had learned in the interests of the people generally and especially his own people. He was ready to take up legally and democratically the fight to secure for black folk enjoyment of the Constitutional guarantees they had paid for in blood in the fierce battles of the Civil War.

He was ready to enter the political arena and fight to send to the House and Senate in Washington the sons and daughters of the great crew of black legislators who during Reconstruction had so magnificently shown that they together with their poor white neighbors and sympathetic Northern fighters for democracy could pass the laws necessary to democratize the South and make it a real part of the Union.

His first case—the Case of the People of the State of Georgia versus Angelo Herndon—was to be one of the most important legal cases in the history of the Negro's centuries-old struggle for liberation. And it was to affect profoundly Ben's whole outlook on life.

The Case of Angelo Herndon

Angelo Herndon was a Tennessee coal miner in his teens when the economic crisis of Herbert Hoover's time dumped him on the slag heap. Capitalism was having another of its periodic sick spells, with banks closing and mills and factories shut down. Like millions of other American lads, white and black. Herndon found himself on the highway looking for work that did not exist. It was then that he saw a leaflet declaring the government's responsibility to provide work or bread for the millions of jobless victims of the crisis. Herndon had come in contact with the Young Communist League. From it, for the first time in his life, he gained some knowledge of what made society tick.

In his quest for work, young Herndon came to Atlanta. The unemployment situation there was extremely severe. The city was not getting enough aid from the state and federal governments to meet the demands of those on the relief rolls. Thousands of white as well as Negro unemployed workers were unceremoniously dropped from the lists. Their lot was desperate.

Angelo Herndon was ready to try his hand at organizing these hopeless Americans. He began to do so and not without success.

It was the first time since Reconstruction that the South had witnessed an attempt on the part of white and Negro citizens to fight back together—and their leader was a Negro.

The far-reaching importance of the Herndon case lies precisely in that fact. Negro and white, men and women of the South, were unitedly fighting back. This—the unity of the white and black in struggle—was what reaction feared most, not only in the Southern states but all over the country. Negro leadership in such struggles made the situation even more menacing to the white overlords. Above all, Negroes should never be permitted to reveal their qualities as leaders.

During the Great Depression of the early '30's, Unemployed Councils sprang up in the main cities all over the United States, even in the South, under the leadership of the Communist Party and the Young Communist League. The slogans were "Jobs or Bread" and "Black and White, Unite and Fight."

The unemployed of Atlanta under the leadership of this teen-age Negro lad marched on the City Hall. There they presented a resolution demanding work or relief. They were hundreds strong and indeed presented a threatening sight to those who had cast them into misery and ignored their human needs and rights. White and Negro, hungry and led by a Negro in a fight for bread!

Herndon was roughed up, arrested and imprisoned. He was charged with insurrection under a law passed before the Civil War to be used against rebellious slaves. Ben watched the daily papers as they tried to whip up mob hysteria against this heroic Negro lad. He was worried, but did not know what to do.

The authorities drew far-reaching conclusions from the events. The myths of racial superiority which they had concocted and used so effectively to keep the poor white at the poorer Negro's throat were being shattered by the realities of joblessness and hunger.

Ben, the Attorney

The writer of this pamphlet was at that time General Secretary of the International Labor Defense, with headquarters in New York. The function of this organization was to defend all class war prisoners throughout the country, wherever arrests of workers during strikes or demonstrations took place.

Immediately upon learning of Herndon's arrest and jailing, I went to Atlanta and engaged one of the few liberal white lawyers

Ben Davis speaking at a mass meeting in Harlem.

in that city "willing to risk his future" by defending a revolutionary Negro leader. I paid him a retainer of eight hundred dollars on behalf of the ILD.

Then in discussion with Negro and white fighters against racism the name of Ben Davis was mentioned as a possible associate counsel. Ben was approached. He expressed great satisfaction and a deep desire to be involved in the fight to save the heroic Negro youth. The matter naturally had to be placed before Angelo who was confined in Fulton Tower, the Atlanta city prison. It had also to be discussed with the counsel already engaged.

Ben and I went first to see Angelo. He expressed surprise and pleasure in having Davis in the case. He said that he had not felt at ease after the announcement that a white lawyer would have charge in the courtroom.

The only problem remaining was to secure the consent of the white attorney. I went to his office. The conversation there was short and to the point. In taking the Herndon case he was, he said, "jeopardizing his career." White clients would not come to him when they heard he was defending a "nigger." If he went into court with Ben as co-counsel he would lose the case as well as the "respect" of the bench and bar. "Davis," he said "can carry my books into court if he desires." That was enough! He was summarily informed that he was out of the case and that Davis would have full charge.

What a lesson this was of the measure of white liberalism in the South!

Of course, the retainer was lost. But Herndon was pleased at what had been done. The stage was set for the trial: "The People of the State of Georgia versus Angelo Herndon."

A Turning Point

The case of Angelo Herndon was something other than that, something quite the opposite, something extremely revealing as to the nature of the "law" and the role of the courts. Ben said of this experience:

> "It was a turning point of my life. In the course of trying that case I suffered some of the worst treatment along with my client, with the judge calling me nigger and darkie and threatening to jail me.

"I could see the whole treatment of the Negro in the South. I felt if there was anything I could do to fight against this thing, strike a blow against the system, I would do it." (*Let Me Live,* by Angelo Herndon. Random House, 1937.)

Ben, a lawyer, was Angelo's legal adviser and defender, but he could neither protect his client nor himself in that courtroom. He fought for the right of Negroes to sit as jurors to no avail, although his was a constitutionally correct position. It was not only that Negroes had no rights that a Georgia state court was bound to respect; but court need not respect even federal constitutional provisions when dealing with a Negro. Ben's client was a "nigger" and he was a "nigger." Both were guilty of the crime of being born black. Any additional charge regardless of its nature only aggravated the original crime. The court was a weapon of racist government of lynchers who stood behind it.

Ben was beginning to ponder the question: what kind of a government have we if a single state can with impunity violate the federal Constitution that holds the states together in an indissoluble union?

What social forces permit "the Constitution to be used as a delusion and a snare rather than a sword and shield?"

Ben re-read the *History of the Supreme Court of the United States* by that eminent authority, Gustavus Myers, who wrote:

"The Supreme Court had refused to define what the rights of Negroes were; it had held that the Amendment [Fourteenth Amendment, U.S. Constitution] had no reference to the conduct of individual to individual; it had declined to give the Negro the protection of the National Government when it decided that 'sovereignty for the protection of rights and personal liberty within the states rests alone with the states" (U.S. vs. Cruikshank 92 U.S. Reports 542).

Myers wrote about the relations of white and black workers under the Supreme Court. He said:

"With complete indifference, or with outright approval, according to locality, the white workers had thus seen the Negro stripped of his Constitutional rights and reduced to a position of inferiority in law as well as custom. . . .(P. 678.)

Meyers wrote that this Court was "using the Fourteenth Amend-

ment to load the helpless Negro race with the obloquy of prejudicial law and custom, and to snatch away from the white worker what trivial rights he still had."

Here indeed was food for thought. The Herndon case was bigger than Ben had realized.

Angelo, the Counsellor

Ben Davis, graduate of Harvard Law School, was in the court of his "masters." His client had been declared guilty by the racist press of actually organizing Negro and white men and women to fight for food or a job or both. This was a "crime" (under Georgia law) and punishable by death. The trial proceeded in this atmosphere of murderous hate and in criminal violation of Herndon's rights.

Herndon was an effective political mentor to Ben. What Ben learned at Harvard about the sanctity of law and justice was just so much fiction in Georgia, U.S.A. Law in Georgia, Ben found, had a tag on it marked "weapon of those who rule." In his home state, law was lynch law—Jim Crow lynch law. The white man who associated with Negroes would get mishandled because he was a "white nigger." It was difficult to say which was worse. The law would "roll over" both.

The Herndon case was in truth a turning point for Ben. It illustrated why legal terror could not be confined to the South and regarded as unique for that area. This was the manner in which an exploitative society would act towards its weaker members anywhere, regardless of color. Ben began to understand this from other hunger march cases then taking place, and from a study of American labor history, which now—under Herndon's prodding—he took up. He began to see what terrible destruction of national morality and integrity was occurring.

The remedy: a transfer of power to those who found neither profit nor glory in exploitation. This was Herndon's position.

Angelo's final remarks to the court, after his fraudulent conviction, struck home. Ben could not but accept them.

"Your honor," Herndon said, "You may do what you will with Angelo Herndon. You may indict him. You may put him in jail. But there will come other thousands of Angelo Herndons. If you really want to do anything about the case, you must go out and

indict the social system. But you will not do that, for your role is to defend the system under which the toiling masses are robbed and oppressed. You may succeed in killing one, two, even a score of working class organizers. But you cannot kill the working class." (*Let Me Live*, Angelo Herndon, p. 240.)

Time for Change

Ben had to think seriously about the course ahead. Which direction would he follow? The course had willy-nilly to be one of struggle. He began to realize that Frederick Douglass, the great Negro revolutionary of the last days of slavery and of the Reconstruction era, was one hundred times correct when he said: "If there is no struggle, there is no progress."

There were several trends in the Negro freedom struggle, all of which Ben had surveyed casually. Now they had to be intensively analyzed.

There was the course advocated by Dr. Booker T. Washington—the abandonment of political activities directed toward participation in or control of government. It obligated one to accept precisely what had occurred in the Herndon case, the degradation of law and justice. Booker T. Washington advocated the relegating of politics and policy-making to whites. The Negro should farm and work until he acquired a competency. It would be time enough then to think of political matters.

Ben could not buy that line.

Dr. Du Bois had given Washington a worthy answer and had himself proposed the development of a "Talented Tenth"—men of high intelligence and lofty motives, devoted to the cause of their people and selflessly ready to guide its destinies.

For Ben this proposal, though deeply thought through, was unrealistic. It called for a degree of selflessness he had not yet seen among the youth he knew. It ignored the power of money and prestige to corrupt. It was utopian. Du Bois himself was in the process of rejecting that course. The William Hasties, Walter Whites, Robert Weavers, Ralph Bunches, Thurgood Marshalls were capable men, but what with capitalism's various Funds and Foundations, they were caught up and "integrated." But this kind of "integration" was vastly different from the real integration needed to save America from racism. These men got formal status

and prestige and, although denied a policy-making part in the "setup," they had a certain amount of monetary security. Their names were known, but none of them became people's leaders. In fact, in many cases they became, perhaps unwittingly, the mouthpieces of the people's enemies. They were not leaders of struggle for the demands of Negroes or whites *en masse.*

There was the "Back to Africa" movement led by a strong-minded West Indian Negro named Marcus Garvey. But the Garvey Movement demanded a total rejection of the Negro's American national and cultural heritage for some mythical future in some undefined spot in an Africa about which the Negro knew nothing. This movement failed, furthermore, to take into consideration the colonial status of the vast majority of African states, where white colonialists backed by billion-dollar-European consortiums were the oppressors of black men and women. It ignored the insurmountable difficulties of transporting millions of poverty-stricken people thousands of miles, or what those millions would do when they got wherever they were going. It was a dream-boat affair with a ship called "The Black Star."

These trends had one common grievous political weakness. They were turned inward. Ben recognized this. The intense anger and hatred against racists which most Negroes reflected created just the emotional reaction that racists sought: a tendency to lump all whites together. What was needed was a serious analysis of the source and nature of racist persecution. What was needed was to awaken the rank and file of labor, white as well as Negro.

Ben Moves Ahead

Ben joined the Communist Party. This course had grown out of his life and experience. Its program, he concluded, offered the best course along which "to strike a blow against the lynchers' system." The program of the C.P.U.S.A. called for the unity of all freedom-loving people. That was, of course, no easy accomplishment. But it was the Communist Party, he learned, that was back of the Young Communist League, the ILD, the Unemployed Councils, the Scottsboro Case and the case of Angelo Herndon. Actions spoke louder than words.

"In the course of my association and discussion with comrades," Ben said in *The Negro People and the Communist Party,* "I found

the only rational and realistic path to the freedom which burns in the breast of every Negro. It required only a moment to join but my whole lifetime as an American Negro prepared me for that moment."

Ben Davis, Communist, was "made in the U.S.A." He was shaped by conditions of life and social forces whose very existence are ignored in school and college. Conditions made by men of power determined to live off the labor of others, conditions of poverty for millions and almost inconceivable wealth for a few—these made Ben Davis. Harvard University, contrary to its designs, made him; the Herndon case, too, made him. But most of all, the racism of the American ruling class made him. And its destructive impact on national and foreign affairs. The brand on Ben read "Made in America."

There was emotionalism in the political step he took, but it was not evoked by a narrow, nationalist outlook. He believed that "the future belongs to the people" and that the Negro was an inseparable part of the people. He believed with Lincoln that "this country with its institutions belongs to the people." If the Negro was to help himself, if he was to play an effective role in the liberation of Africa and of the oppressed peoples of the world, it was his responsibility to himself, to all progressive Americans, to Africans seeking freedom, and to the exploited people of the colonial world, to join with all forces seeking the defeat of the American exploiting class. This—Ben now recognized—was the heart of the American Negro's responsibility to mankind.

He remembered the immortal words of Thomas Paine: "Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph." (*The American Crisis,* No. 1, December, 1776.)

Ben pursued his principles, He found that they had a base in science. Emotionalism would not alone resolve the Negro's problems, nor those of his country, nor those of the freedom-loving peoples of the world. It was necessary to learn the science of society.

Ben believed nothing else could lead to the solution of the dilemma Negroes confronted. The hundred years of aggression against the black nationals of this country by its rulers was in violation of the Constitution and of elementary human principles. Ben saw that a study of this exploitation and oppression was missing from the programs of most of those who were sincere fighters for liberation. He came to realize that honesty and sincerity, while vitally necessary, were in and of themselves not enough to

Ben Davis, with Paul Robeson and Henry Winston, at a reception for Davis at Hotel Theresa, in Harlem, on the eve of the infamous Smith Act "thought control" trial which opened in 1949.

win this monumental fight for freedom. These attributes, unsupported by effective knowledge, must inevitably lead to an abstract and barren idealism.

It was necessary to know the structure of the society in which man lived, of the system of capitalism. The people, including the Negro people, must learn to evaluate capitalism by what it brings to them. This system, as Franklin Delano Roosevelt said, left one-third of the nation ill-housed, ill-fed and ill-clothed, and twenty per cent of that one-third subject to lynching and indiscriminate murder. This latter segment of our country was denied the most elementary forms of respect and courtesy men generally show each other: it was necessary to know *why*. Something was fundamentally wrong: it was necessary to know *what*. It was, finally, necessary, to know *who was responsible*.

To remedy these wrongs, unity in struggle of the two groups—the poor and the violated—was obviously of vital significance.

A Lawyer Becomes a Revolutionary

The Herndon case closed the door to Ben for a "successful" career as a lawyer in the South. There were no cases, criminal or civil, that he would be allowed to win regardless of their merits. The racists had put his name on the list of "dangerous" men. He was marked by his enemies for oblivion and destined by his life for a place among the immortals.

In 1935, Ben went North again. In New York he became the editor of *The Negro Liberator*, a paper devoted to exposing American big busines as the real force provoking racist persecution and terror. It was a force fighting for the unity of all oppressed against this crew. For two years he remained at this desk. Then in 1936 he became an editor of the *Daily Worker*, the voice of the Communist Party.

During this period he studied the science of Marxism-Leninism and worked zealously in the Communist Party. He became its organizer in the Harlem area and a friend to thousands of Negroes of all classes. Ben wanted equality of rights and opportunities for Negro citizens at once. He was an inveterate enemy of the theory of "gradualism." The Negro was justified in demanding his rights *then*, not at some later date. One hundred years of waiting had not only been too long; it offered proof that if human and constitutional rights were not enforced at the time when their violation was

protested, they would never be enforced by those in power. If there was temporizing, if those who had power and controlled the law-enforcement agencies of government acted indecisively or evasively, it was because they had no intention of changing fundamentally and for all time the status quo. Gradualism was "do nothingism."

Ben said of gradualism: "It . . . does not formally deny the right of the Negro people to full citizenship rights; it contends merely that it cannot be done at once, that time alone will correct the situation and to rush matters is to adopt a course worse than the disease." (*Must Negro Americans Wait Another Hundred Years for Freedom? Against Tokenism and Gradualism.*)

Men who talked a gradualist line were not, Ben realized, the kind of social doctors who would effect a lasting cure of social ills. The patient, sick, was controllable. The patient, well, became dangerous.

It was during this period that Dr. Alain Locke of Howard University, Washington, D. C., in characterizing new militant Negro figures who in the realm of the arts were emerging to proclaim the demands of their people, coined a phrase, "The New Negro."

Ben knew and admired Dr. Locke. But he did not like to be called a "New Negro." The courage of Nat Turner, Denmark Vesey, Gabriel Prosser and other heroic black slave insurrectionists was *his*. His words breathed the fire of the words of the immortal black revolutionary of the Civil War era, Frederick Douglass. There was nothing new about Negroes fighting for freedom. The life of black men in America began in struggle. That struggle would end, *could* end, only with freedom and equality.

Ben Davis was the product of a new era, the era of the birth of socialist governments, of colonial freedom struggles, of a universal quest for human freedom. He evaluated it in the light of the successes the people were winning in other sections of the world. America was an inseparable part of an ever-changing world.

Ben recognized the changed conditions, and saw that while the strategic aim of the people was always freedom, equality of rights and opportunities, new conditions demanded new tactical approaches.

The industrial capitalists, like those with whom the Negroes had been able to ally themselves during the Civil War, had acquired another outlook. They were now the enemy of the people. They were now using racist ideologists to create an image of black Americans repugnant to all mankind. They were particularly zealous in selling this false image of the Negro to the poor whites

of the South, the foreign-born, and all others whom they could dupe. Their purpose was to divide the people; their intention, to perpetuate the profit system, war, and colonialism.

Ben saw that, historically speaking, the Negro had a new ally, a natural ally, born as capitalism developed its counter-revolutionary course. Labor, the poor white, the unemployed, the poverty-stricken and the Negro had a mutual enemy. The monumental task was to achieve their unity. The key was the Negro-labor alliance.

Ben found spiritual strength in this am to cement the alliance of the Negro people and labor, and the unity of all labor regardless of skin color. This was an extremely difficult undertaking, yet one demanded by history.

Confidence in him grew in Harlem and among the progressives of New York. In the 1943 elections to the New York City Council, Ben Davis, Negro Communist, was a candidate.

A Beloved Fighter

Ben was one of the most popular political figures in New York City. He was known everywhere. His position was clear on all major questions affecting the people and their interests—the interests of the nation. When asked why he was a Communist he answered quietly:

> "The future belongs to the people. Whether one is a member of the Communist Party or not—or agrees in toto with it—one must recognize that the future is not assured without a strong and ever-expanding Communist Party here, as in other countries of the world. I want that future as quickly as possible—that's why I'm a Communist." (*Why I Am A Communist.*)

Proportional representation had been made law. The people had now the opportunity to place a person in political office who might be free of entanglement with the major parties.

The Reverend Adam Clayton Powell, champion of the rights of Negroes, had previously been in the New York City Council. He was now in the House of Representatives. He sponsored Davis. In an announcement to the public he stated:

"Mr. Davis' long record in the fight against discrimination and poll-taxes justifies his election.

"We have got to wipe Jim Crow out of New York City and our nation at war, in order to attain the victory, and Mr. Davis is the man to carry the fight where I left off in the City Council." ("Elect Ben Davis," election leaflet, 1943.)

Ben was elected in 1943, polling 44,334 votes in the Borough of Manhattan. Of these, the estimate is that approximately 23,000 were cast by white men and women. In the City Council he joined his white comrade, Peter V. Cacchione, Communist of Brooklyn, who had been elected in 1941. Ben was elected as an independent candidate on a program of jobs, equality, unity.

A Communist Councilman at Work

Then began a campaign of struggle for the rights of the people such as America had never seen before. Here was a man who represented all whom he sought to bring together—labor, the unemployed, the professional class, churchmen, widows, youth, men in the armed services. Among all these categories of the population he had thousands of supporters who recognized that he represented them and was their spokesman.

Boldly in 1946, after his election to a second term, he spoke up in the Council and condemned the "cold war" speech made by Winston Churchill at Fulton, Missouri. He called upon the Council to request the federal government to plan for effective reconversion of plants and industries doing war work to peace-time purposes. He pointed to the limitless markets abroad created by the newly emerging nations of Asia and Africa.

He was very active on the job front, and in the fight for a federal and state FEPC. He was an American Communist statesman.

He successfully called on the City Council to oppose anti-labor legislation in Congress, and fought for the Council to request the New York congressional delegation to oppose the Taft-Hartley Act.

Legislation introduced by Ben, frequently jointly with Pete Cacchione, to better the people's living standards included measures affecting rent control and control over consumer goods prices. It called for city-sponsored milk stations and the establishment of a municipal milk plant. It included a resolution providing for

homes for veterans. In the field of civil rights and the fight against discrimination he was most active.

It was in this field that Ben Davis most eloquently demonstrated the class character of the racist attacks against Negro citizens. The social forces responsible in the last analysis were in every instance the same: the capitalist exploiters. Ben acted as a responsible representative of the people and a teacher who learned from life and revealed its contradictions.

Here are but a few of the resolutions Ben introduced in the City Council:

Requesting the Mayor to proclaim the week of February 13th to 19th as Negro History Week and to call upon schools, libraries and other public institutions to effect proper observance thereof. It was made a general "Order of the Day."

Requesting the Governor and the State Legislators to consider and increase the State aid appropriations to New York City. This was defeated.

Calling for the protection of the lives and jobs of Negro longshoremen.

Condemning restrictive covenants in the renting and construction of homes.

Demanding an end to "Blue Ribbon" jury selection which systematically discriminated against workers, particularly Negro, Puerto Rican and other minorities.

Calling for the repeal of the Taft-Hartley anti-labor law and its replacement by the old Wagner Act without crippling amendments.

Blasting the reduction of the West Indian immigration quota.

Calling for complete investigation of unemployment in the City and for the establishment of adequate relief for the jobless.

Demanding permission to tenants to withhold rent until all housing violations were eliminated by the landlord.

Ben introduced 25 bills for the protection of Negro rights, to halt evictions, to open new housing, to protect tenants against violations by landlords, as well as measures condemning police violence against Negroes.

Ben Davis's office was in fact a refuge for all Harlemites with grievances.

It is because Ben made the issues clearcut and the social forces involved distinct that the Council sought to evade debate over many of the resolutions he presented.

If Davis could not turn the City Council into a people's legis-

lative body, he could and did turn it into a school for the education of the masses. Every action he took exposed the Council as a tool of Big Business and not of the people.

In the fall of 1945 he was reelected, receiving more than 65,000 votes. It was then that a fuller appreciation of the many-sided role played by him in the City Council began to dawn upon the capitalists, and a well-organized conspiracy was set in motion to oust him from the Council in defiance of the voters' will. It was the

New York City's Communist Councilmen: Peter V. Cacchione who received over 67,000 votes in Brooklyn, and Benjamin J. Davis who received over 65,000 votes in Manhattan in 1945.

beginning of the era of cold war reaction and the strategic character of Ben's position increased the hatred of reaction toward him.

All the measures Ben presented to the Council were consistent with the people's needs. For example, he presented a number of measures that struck at anti-Semitism, both open and covert. His protest against police brutality had never before been placed in so sharp a manner in any City Council. Knowing the composition of the Council, he did not expect the measures to pass, but their educational value was not lost on the public.

He was an outstanding agitator as well as a propagandist. He was not in the City Council to help the rich rob the poor. And he knew that he could not stop the robbery alone. It was a people's fight.

He was in the City Council to awaken the people as to what they had to do to see that the city's slums were destroyed and that the black ghettos, cursed with imposed vice, were turned into show places of pride and beauty. He did not want "gilded ghettos." He wanted livable communities.

He was in the City Council to confound those Councilmen who did not know where to find money for the building of beautiful schools and efficient hospitals and clinics where the slums and ghettos stood. He did so by pointing a finger at Wall Street. He was there to talk peace when others wanted an aggressive or preventive war. He was a people's tribune.

Reaction prepared to oust him from the Council. In 1948, on his third try for election, he was defeated. McCarthyism, a weapon of the ultra-Right, had cowed the people. His term was not actually up until 1950, but in 1949 a majority of the Council, under pressure, voted to expel him, using as a pretext the charge against him under the thought-control Smith Act.

Again, Ben could see that being a Negro added to the weight of the charge against him. But the heart of the matter was his attack upon capitalist piracy, the looting of the city by the great industrialists and landlords.

Men have stood at the rostrum of the City Council of New York to advocate slavery, before and during the Civil War. Enemies of the people have boasted there with impunity of their contempt for minority groups. But this people's leader, this Negro, this Communist was ruled not fit to occupy a seat in the Council of the City of New York. The Liberals, to their shame, went along with his expulsion from the City Council.

Indicted and Imprisoned

With eleven other leaders of his Party, Ben had been indicted under the Smith Act. No overt criminal act was charged against any of them. They were falsely charged with having entered into "conspiracy" to teach and advocate the necessity of the overthrow of the government of the United States by force and violence, and to carry the operation through when the moment to do so seemed propitious to them. There was not a single bit of evidence introduced to prove the existence of such a conspiracy. It was all an attack on ideas. Their thoughts had come into conflict with a law (the Smith Act) passed in violation of a Constitutional provision (the First Amendment) holding thoughts inviolate.

Davis and his comrades were convicted, and when their appeal reached the Supreme Court, four of the Court's most prominent members declared that the trial court's verdict was unconstitutional. But the remaining five—a majority—said *five years imprisonment.* These eleven Americans served their time. Their fight had been in the interests of peace, for an end to racism, the elimination of unemployment, for old-age security and full education for all.

At the announcement of his conviction, Ben said in his final statement to the Court:

> "This sentence and this verdict and this trial can only have one effect with respect to the American people. It is an attempt to reduce the First, Sixth and Eighth Amendments to the Constitution—indeed, the whole Bill of Rights—to the status of the Thirteenth and Fourteenth and Fifteenth Amendments, so that the American people, instead of seeing the beautiful democracy of the Negro people raised to their level and citizenship, now face the terrific trial of being reduced to the second class citizenship of the Negro people."

He closed with these prophetic words:

> "We are confident that the American people are going to realize what is happening here and that they will realize that their liberties, their peace, and their democracy are imperiled. We have all the confidence in them because the future belongs to the people of America, Negro and white."

Even while confined in the federal penitentiary at Terre Haute

in Indiana, a political prisoner, Ben continued to fight against jim-crow. Negro prisoners were denied many of the privileges allowed white prisoners. He fought this discrimination, and the *Afro-American,* one of the country's most outstanding Negro newspapers, wrote of this fight: "We hold no brief for Mr. Davis' political convictions. But we cannot help but admire his courageous outcry against the denial of elementary justice for men in federal custody."

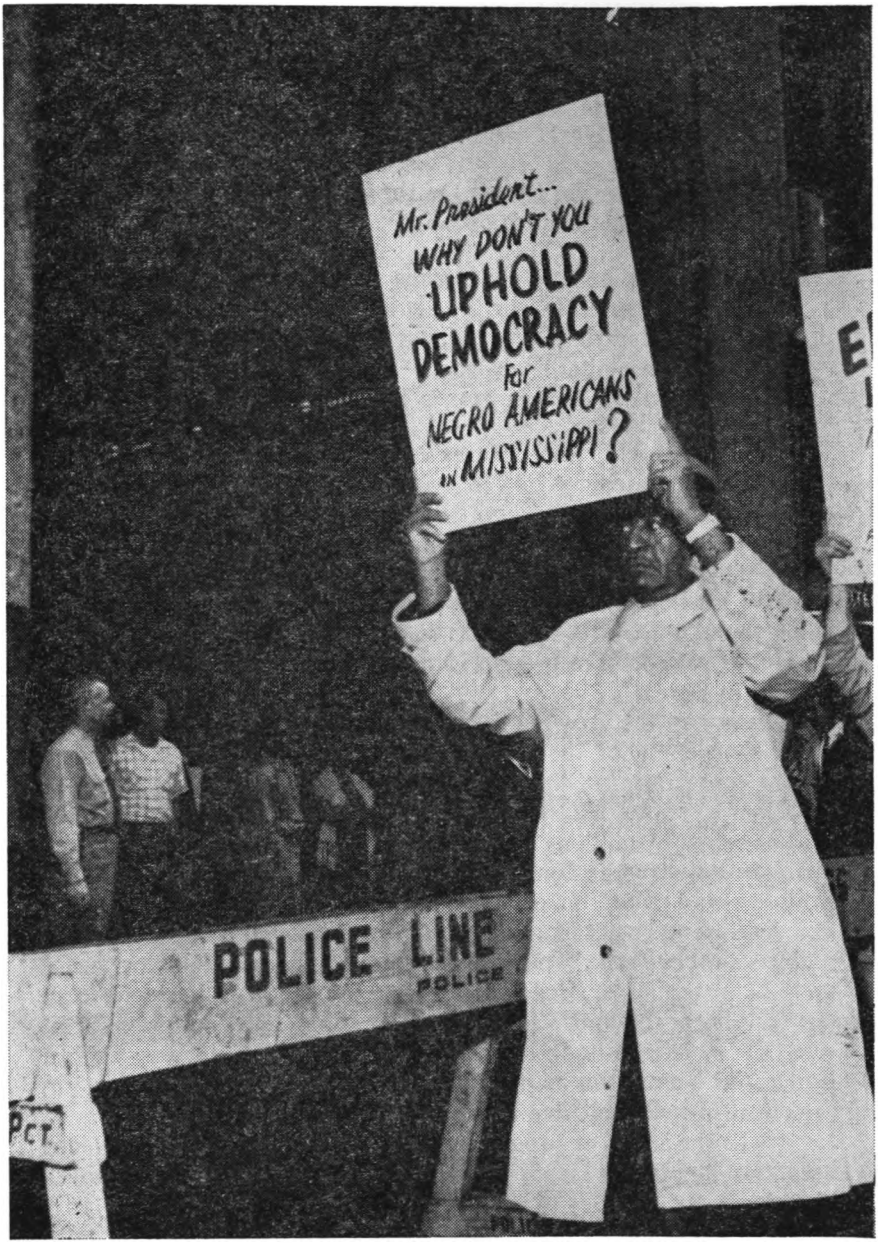
It was his political convictions that enabled him to make his "courageous outcry."

In speaking of Ben, Mrs. Modjeska Simkins, then editor of the South Carolina *Lighthouse and Informer,* wrote:

> "It is time for non-Communists to drop their prejudices and do something and do it quickly, or we will all be bound hand, foot and body.
>
> "Negroes in the South are overthrowing the government of white supremacy every hour, and we intend to continue doing it. There was a law saying Negroes couldn't vote. And we have been overthrowing that kind of government. When the government starts putting people in jail because it doesn't like their ideas, then the liberties of fifteen millions of Negroes are at stake.
>
> "Harry T. Moore was sent to his death by a bomb, and Benjamin J. Davis was sent to prison for the same reason. We cannot recall Harry T. Moore. But the American people can recall Ben Davis."

In *Jewish Life,* March, 1954, Walter Lowenfels wrote:

> I one Jew tell you it will not be!
> Not more undone unravelled human grain
> gas chambers sacred with unhuman pain—
> no not more (but why is Ben not free?)
> Six million Jews lie here with us. We
> your outposts—sentries watching sun or rain—
> challenging: must the dead be dead again?
> His prison measures all your liberty
> as we did once. Read us! Our empty faces
> were human once like yours—washed combed curled
> fresh-cheeked like *you* we say! What jail he paces!—
> not one black man—not africa only—the world
> beats from his bars—peace—truth—all human graces
> freedom's thunderbolts are being hurled!



Ben Davis leads picket line for equal rights.

The Korean War and the Negro People

In a report made to his Party in December, 1950, during the Korean War, Ben Davis said, as he undoubtedly would say now about Vietnam were he still among us: "What are we doing in Asia? Why must we be there? Do the Asian people want us?"

He answered his own questions.

> "We don't believe the Asians want us. We don't think they are interested in our democracy or our way of life. We don't think that they like us. They look at our record of arrogance and exploitation in the past and they have a feeling of hatred for us. This is true in Korea and in China."

As an example of the position Negro Americans generally took, Ben quoted a statement by Dr. Percy Julian, a distinguished Negro chemist who lived in Chicago, Illinois.

Dr. Julian had purchased a home in a section of Chicago where Negro citizens were excluded. Whites incited by racist propaganda bombed his house. Dr. Julian was asked by the press what he was going to do.

He answered: "I'm going to stay right here. I'd just as soon die here as in Korea!"

Ben saw in the growing fierceness of the Negro liberation struggle a sharpening of the contradictions between the war program of the American "power elite" and the equal rights demands of the Negro people. He saw in the words of Dr. Julian a reflection of the feeling of millions of Negro Americans who were faced with a deepening struggle for the civil rights denied them, with police brutality and Klan terror, joblessness, slum housing, inadequate and inefficient hospitalization, and poor segregated schools.

Ben proclaimed: "The indivisibility of the struggle for peace and the struggle for freedom which takes its most basic form in our country is the battle for Negro liberation." He continued: "But since the American imperialists launched their gangster war against Korea and China, this battle becomes a matter of vital urgency in the effort to halt the drive to fascism and another world war."

It was the unity of progressive white Americans and the Negro liberation fighters which Ben saw as leading to a great people's victory. If the billions spent on aggressive war that served only the interests of billionaires were turned toward slum and ghetto

clearance, the basic problems confronting the people could be eased. But only the united political activities of the people could bring about this unity.

He expressed as a "cardinal task" of the Communist Party ". . . the forging of the unity of the Negro people's movement and the bringing of it into cooperation with the most advanced sections of labor and progressive movements and a militant anti-imperialist, anti-war, anti-fascist program of struggle." This is in accord, he said, "with trends among the Negro people."

As to the Negro liberation fighter who saw the historic battle merely in terms of color against color, Ben asked how much such a person could reconcile this view with such things as the struggle between a Marcus Garvey and a W. E. B. Du Bois, both black men.

It was class, not color, that was the dominant factor dividing people, and it was the oppressing class that made the artificial division of color.

At the beginning of the Second World War, when Japanese fascism was declaring itself to be "the friend of the darker races, and especially the Negro," Ben had pointed to Japan's alliance with Hitler and Hitler's theories of racial inferiority, and with Mussolini, murderer of thousands of Ethiopians. Ben said:

> "The two chief backers of Japanese militarism are the pure Aryan nazis and the civilizing Italian fascists. It is nothing short of a miracle to prove how the darker races' protectors can be a friend of the Negro people and at the same time the bosom companions of the butchers of Ethiopian and Spanish people."

These were among the "crimes" for which Ben Davis was tried and convicted in a court of law in the land of his birth. Of these things he was indeed guilty.

The racial question is the most important domestic question that faces the American people, he declared, and the question of peace and the ending of wars of aggression the most important question in the world.

He fought to the end to unify these struggles, and he believed that the changes taking place in the composition of the United Nations should be most helpful toward that end,

He wanted to see the Universal Doctrine of Human Rights applied in the U.S.A.

The Final Chapter

Ben Davis came from the Federal Prison in 1955 to take his place again in the leadership of the Communist Party as a fighter for peace and democracy. In 1957 he became Chairman of the Communist Party of New York, and in 1959 was chosen National Secretary of the Communist Party of the United States.

At all times a staunch defender of the Communist Party against all detractors, he emerged from prison to take a leading part in the battle against those, headed by John Gates, who were seeking to liquidate it. As National Secretary, he became an active public spokesman for the Party and appeared as a speaker on numerous university and college campuses, among them his old alma maters, Amherst and Harvard.

After the Supreme Court, in 1961, upheld the order to the Communist Party to register under the provisions of the infamous McCarran Act, Ben was indicted for refusal to register, together with the general secretary of the Party, Gus Hall. He unhesitatingly expressed his readiness to return to prison rather than betray the best interests of his party and the American working people. Speaking at the Harvard Law Forum in April 1962, he said:

> "Certainly we love our personal liberty as much as any other American. But we will sit in jail until we rot before we answer falsely that we are witches and traitors, before we expose a single citizen to the pains and penalties of this Act and before we cooperate to destroy political freedom in America."

Ben Davis loved life because he loved people.

In Ben Davis there was the greatness of the people, all the people regardless of creed or color, fortified by science—the science of Marxism-Leninism.

Ben Davis came to Communism because nowhere else did he find so confirmed a foe of prejudice. He found in Marxism-Leninism a science calling for an analysis of the social forces involved in the problem and a guide to its resolution. With that guide, tactical approaches could be worked out. There was no guarantee against human error. But it provided an insight into the social forces in conflict, and a freedom fighter could then judge far better which side to be on.

Leading Negroes from every stratum of American life saw in this man an unswerving, relentless fighter for constitutional and human rights.

In his last years, after his release, Ben was a tower of strength in the Communist movement, but prison had taken its toll. On August 22, 1964, this great figure of the American revolutionary movement died. He left a beautiful wife, Nina, a daughter, Emily, a sister, Johnnie, and friends and comrades in every quarter of the globe, to mourn his passing.

Ben chose his side. He was a people's warrior. So he lived and so he died. The example he set for us is deathless.

CHRONOLOGICAL TABLE

OF MAJOR WRITINGS OF BENJAMIN J. DAVIS, JR.

Prepared by Dr. Oakley C. Johnson

1903: Born September 8 in Dawson, Georgia; grandson of a former slave.
Father: Benjamin J. Davis, Sr., Mother: Jimmie (Willa) Davis *nee* Porter. Younger sister, Johnnie (Mrs. Richard Carey).

1909: Attended segregated rural elementary school in Dawson, Georgia.

1910-1914: Attended Summer Hill School, Atlanta, Georgia.

1915-1921: Attended Morehouse Academy, Atlanta, Georgia.

1921-1922: Attended Morehouse College, Atlanta, Georgia.

1923: On July 5, arrested in Atlanta for refusal to obey jimcrow seating rules in a city bus.

1923-1926: Attended Amherst College; received B.A. degree; played first violin in the college orchestra; sang in the Glee Club; was head of the debating team.

1926-1930: Attended Harvard Law School.

1931: Opened law office in Atlanta, Georgia.

1932: Became attorney for Angelo Herndon; joined Communist Party; joined legal staff of Scottsboro Case; represented the Atlanta Six; acted for Willie Peterson.

1935: Came to New York; edited the *Negro Liberator;* was arrested for activity in a Newspaper Guild strike at the *Amsterdam News.*

1936: Joined staff of the *Daily Worker.*

1937: Became Secretary of the Harlem Division of the Communist Party.

1940-1946: Became a member of the Board of Directors of the Freedom of the Press Company (Publisher of the *Daily Worker*) and eventually President of the Board.

1943: Elected to the Council of the City of New York.

1945: Acclaimed on the Honor Roll of the *Chicago Defender.*

1945: Re-elected to the Council of the City of New York with the second highest vote any Councilman ever received.

1949: Tried, with eleven other high-ranking Communists, under the Smith Act, and imprisoned; wrote autobiography in prison.

1954: Released from prison; prison authorities refused to allow him to take his autobiography with him (it was released to his wife only after his death).

1956: Married Nina Davis *nee* Stamler, April 25; resumed position on National Committee of the Communist Party .

1958: Daughter, Emily James Davis, born January 14, 1958.

1959: Chosen National Secretary of the Communist Party.

1962: Addressed Harvard Law School Forum: spoke on many other college campuses,, including Columbia, CCNY, Amherst, Oberlin, University of Minnesota.

1964: Died in Beth Israel Hospital, New York, August 22, of cancer.

BIBLIOGRAPHY

OF MAJOR WRITINGS OF BENJAMIN J. DAVIS, JR.

Selected and Compiled by DR. OAKLEY C. JOHNSON

PAMPHLETS

James W. Ford: What He Is and What He Stands For. Published by the National Campaign Committee of the Communist Party, New York. Sept., 1936

The Negro People and the Communist Party. Published by Workers Library Publishers, New York. March, 1943

The Communists in the Struggle for Negro Rights. A symposium by James W. Ford, Benjamin J. Davis, Jr., William L. Patterson, and Earl Browder. New Century Publishers, New York. Jan. 1945.

The Path of Negro Liberation. New Century Publishers, New York. April, 1947

The Communist Position on the Negro. A symposium by William Z. Foster, Benjamin J. Davis, Jr., Eugene Dennis, James E. Jackson, James S. Allen, A. W. Berry, Homer Chase, Alexander Bittelman, Ray Hansborough, Max Weiss, Edward E. Strong, William L. Patterson. Introduction by Nat Ross. New Century Publishers, New York. 1947.

Why I Am a Communist. Phylon, June, 1947. Published by Atlanta University, Atlanta, Georgia. Reprinted as a pamphlet by New Century Publishers, New York. December, 1947.

In Defense of Negro Rights. Testimony in Court at Foley Square Trial, 1949. Edited and published by the New York State Committee of the Communist Party. Jan., 1950.

The Negro People in the Struggle for Peace and Freedom. Report to the 15th National Convention, Dec. 23-31, 1950. New Century Publishers, New York. Feb., 1951.

The Negro People on the March. Report to the Communist Party's National Committee, June 23-24, 1956. New Century Publishers, New York. Aug., 1956.

Upsurge in the South: The Negro People Fight for Freedom. Report to the National Committee of the Communist Party, March 25-27, 1960. New Century Publishers, New York. April, 1960.

Address: *Ben Davis on the McCarran Act at the Harvard Law Forum,* April, 1962. Published by the Gus Hall-Benjamin J. Davis Defense Committee, 1962. With Introduction by Elizabeth Gurley Flynn.

Must Negro-Americans Wait Another Hundred Years for Freedom? Against Tokenism and Gradualism. New Century Publishers, New York. April, 1963.

NOTE: In addition to the above works *by* Ben Davis, attention is called to the following *about* him: *Ben Davis: Fighter for Freedom,* by Claudia Jones. Introduction by Eslanda Goode Robeson. Published by National Committee to Defend Negro Leadership, Brooklyn, N. Y. November, 1954.

MAGAZINE ARTICLES

"The Negro People in the Elections," *The Communist,* Oct., 1936, pp. 975-987.

"The Communists, the Negro People and the War," *The Communist,* Aug., 1942, pp. 633-639.

"Summary Remarks on the Discussion of the Resolution on Negro Rights," *Political Affairs,* Jan., 1947, pp. 59-63.

"Build the United Negro People's Movement," *Political Affairs,* Sept., 1948, pp. 880-898.

"From the Court Testimony," *Political Affairs,* Sept., 1949, pp. 38-44.

"The Negro People in the Fight for Peace and Freedom," *Political Affairs,* May, 1950, pp. 101-114.

"On the Use of Negro Troops in Wall Street's Aggression Against the Korean People," *Political Affairs,* Oct., 1950, pp. 47-57.

"On the Colonial Liberation Movement," *Political Affairs,* Dec., 1950, pp. 37-49.

"Foster's Contribution to the Cause of National and Colonial Liberation," *Political Affairs,* March, 1951, pp. 36-50.

"The Struggle for Peace and the Negro Liberation Movement," *Political Affairs,* June, 1952, pp. 51-57.

"Abolish Jim-Crow Prisons!" *Political Affairs,* Feb., 1955, pp. 14-24.

"Foster: Fighter for Correct Theory" (written to celebrate William Z. Foster's birthday), *Political Affairs,* April, 1956, pp. 40-48.

"The Challenge for a New Era," *Political Affairs,* Dec., 1956, pp. 14-27.

"Toward Negro Freedom" (a review of Dr. Herbert Aptheker's book of the same title), *Political Affairs,* April, 1957, pp. 13-22.

"The Pilgrimage to Washington," *Politcal Affairs,* July, 1957, pp. 14-24.

"Paul Robeson: The Man and His Meaning," *Political Affairs*, April, 1958, pp. 1-8.

"Notes on the Negro Question" (a discussion article written jointly with William Z. Foster), *Political Affairs*, April, 1959, pp. 33.43.

ARTICLES IN *THE WORKER* AND *THE DAILY WORKER*
(Incomplete)

1946

8-18-46 "An Answer to Wallander: End New York Police Brutality!"
8-19-46 "Dewey's Something-for-All Speech" (Radio Address)
9- 6-46 "Negroes and the Communist Party"
9-20-46 "Green [AFL-CIO President William Green] Hits New High in Red-baiting"
9-21-46 "Green Shows Contempt for Negro People"

1948

3- 3-48 "Davis Asks: What Happened in Dewey's Office Monday Night on the 8-cent Fare?"
4-19-48 "Davis Scores City War Budget"
5-24-48 "A Letter to the Worker Editor: 'Jim Crow in Capital and in New York'"
8-25-48 "Negro People Won't Fall for Dem.-G.O.P. Bait"

1949

1-20-49 "Davis Hits Rules Body on Council Vacancy"
2-23-49 "Davis Tells House Un-Americans They Plot to Overthrow Our Government!"
4- 4-49 "Davis Assails Plot to Bar Foster Testimony"
4-10-49 "Davis' Statement on Budget, Excerpts from"
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12-16-49 "The Threat to the NAACP 1950 Civil Rights Crusade"
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3-23-50 "Negro Rights Vital to Peace Fight: Davis"

4-25-50 "Renegade Browder Now Slaveowners' Apologist"
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10-25-50 "The New York Elections and Negro Rights"
11-22-50 "The Mass Frame-Ups of Negro Soldiers"
12-10-50 "The Crisis in the NAACP"

1951

2-11-51 "Rally Around Dr. Du Bois"
2-23-51 "Peace is the Issue"
5-16-51 "The Willie McGee Lynching"

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